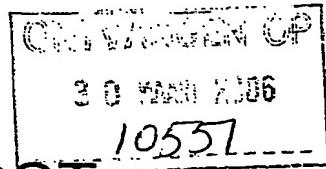


# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY



PCT

To:

Mr Wilbert Derk  
HOWREY LLP  
Rembrandt Tower  
Amstelplein 1, 31st Floor  
NL-1096 HA Amsterdam  
PAYS-BAS

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(PCT Rule 71.1)

Date of mailing  
(day/month/year)

31.03.2006

Applicant's or agent's file reference  
00307.0045.00PC00

**IMPORTANT NOTIFICATION**

International application No.  
PCT/EP2005/000697

International filing date (day/month/year)  
21.01.2005

Priority date (day/month/year)  
22.01.2004

Applicant  
Nuplex Resins B.V. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

**4. REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/B/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:

European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 00307.0045.00PC00	FOR FURTHER ACTION  See Form PCT/APEA416	
International application No. PCT/EP2005/000697	International filing date ( <i>day/month/year</i> ) 21.01.2005	Priority date ( <i>day/month/year</i> ) 22.01.2004
International Patent Classification (IPC) or national classification and IPC INV. C09D7/12 C09D5/02		
Applicant Nuplex Resings B.V. et all.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the report</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>		
Date of submission of the demand  05.11.2005	Date of completion of this report  31.03.2006	
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer  Matthijsen, J-J Telephone No. +31 70 340-	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2005/000697

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:  
 international search (under Rules 12.3 and 23.1(b))  
 publication of the international application (under Rule 12.4)  
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-22 as originally filed

**Claims, Numbers**

1-18 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:

- the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to sequence listing (*specify*):

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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## Box No. V Reasoned statement under Article 35(2) with regard to novelty, applicability; citations and explanations supporting such statement

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### 1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

### 2. Citations and explanations (Rule 70.7):

see separate sheet

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## Box No. VIII Certain observations on the international application

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.  
PCT/EP2005/000697

**Re Item V**

The following document D1, cited in the application, is referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US 2003/180466 A1 (JENSEN JOHN MICHAEL ET AL) 25 September 2003  
(2003-09-25)

**1 Novelty**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-18 is not new in the sense of Article 33(2) PCT.

A claim defining a product for a particular use e.g. blocking of stains, is to be construed as meaning a product which is in fact suitable for the stated use. A known product which *prima facie* is the same as the product defined in the claim and is in the form in which it is in fact suitable for the stated use is novelty destroying for the subject matter of said claim (PCT Guidelines Part II, 5.21).

Claims 1-18: Document D1 discloses a clear aqueous coating composition with anti-soil and anti-spotting properties comprising > 10 % wt. hydrotalcite nano size clay (§0019; 0044; 0052 and 0078), a dispersants (§0087), a surfactant, a PU resin (§0263 and example 1) and optional additives (§0197). The coating can be used on unclean and stained surfaces (§0091). In the case where the substrate is chosen from wood, water extractable agents are present in the substrate, as such the method of claim 10, the coated substrate of claim 13 and the use of claim 15 are anticipated in D1 (§0040). Therefore, the subject matter of claims 1-18 is not novel in view of D1.

**Re Item VIII**

Claim 8: The addition of the percentages of the individual coating components surpasses 100 % wt. when the amount of the water borne organic binder is chosen at 100% wt.

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.  
PCT/EP2005/000697

Claim 9 is formulated as a product claim, in the current form it does not contain any additional subject matter over claim 1 and is therefore redundant.

Claims 3 and 17: The attention of the applicant is drawn to the fact that the term "optionally" in claims 3 and 17, has no limiting affect on the scope of the claim, that is to say, the feature following said term is to be regarded as entirely optional (Guidelines C-III, 4.6).